

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
MEDFORD DIVISION

MARY P.R. HAVILAND-SALE,  
Plaintiff,

No. 1:12-cv-1913-CL

v.

TONY MENDENHAL, et al.,  
Defendants.

**ORDER**

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**PANNER, District Judge:**

Magistrate Judge Mark D. Clarke filed a Report and Recommendation, and the matter is now before this court. See 28 U.S.C. § 636(b)(1)(B), Fed. R. Civ. P. 72(b). Although no objections have been filed, this court reviews legal principles de novo. See Lorin Corp. v Goto & Co., Ltd., 700 F.2d 1202, 1206 (8th Cir. 1983).

I agree that this court lacks subject matter jurisdiction over plaintiff's complaint. Accordingly, I ADOPT the Report and

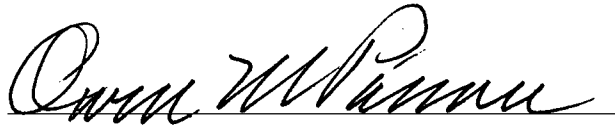
Recommendation of Magistrate Judge Clarke.

**CONCLUSION**

Magistrate Judge Clarke's Report and Recommendation (#5) is adopted. Plaintiff's motions for leave to proceed in forma pauperis (#1) and for appointment of counsel (#4) are denied as moot. This action is dismissed without prejudice for lack of subject matter jurisdiction. Plaintiff has leave to file an amended complaint no later than February 15, 2013, in accordance with the guidelines in the Report and Recommendation.

IT IS SO ORDERED.

DATED this 16<sup>th</sup> day of January, 2013.

A handwritten signature in black ink, appearing to read "Owen M. Panner", is written over a horizontal line.

OWEN M. PANNER  
U.S. DISTRICT JUDGE